

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRITTANY M. THOMPSON,)
et al.,)
Plaintiffs,) Civil Action File
vs.) No. 1:14-CV-00390-RWS
1715 NORTHSIDE DRIVE, INC.)
d/b/a DIAMOND CLUB, a)
corporation; and C.B. JONES)
and KAREN KIRK, individuals,)
Defendants.)

)



ASHLIE L. BRANCH,)
Plaintiff,) Civil Action File
vs.) No. 1:14-CV-0960-TCB
1715 NORTHSIDE DRIVE, INC.)
d/b/a DIAMOND CLUB, et al.,)
Defendants.)
- - -

30(B)(6) Deposition of HAROLD L. HUNT on
behalf of 1715 Northside Drive, Inc., taken by the
Plaintiffs, pursuant to Notice and agreement of
counsel, in accordance with the Georgia Civil
Practice Act, before Judith L. Leitz Moran,
Certified Court Reporter, at Schulten, Ward &
Turner, 260 Peachtree Street, NW, Suite 2700,
Atlanta, Georgia, on the 8th day of August, 2014,
commencing at the hour of 1:05 p.m.

REGENCY-BRENTANO, INC.
Certified Court Reporters
13 Corporate Square
Suite 140
Atlanta, Georgia 30329
(404) 321-3333

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1 APPEARANCES OF COUNSEL:

2

3 On behalf of the Plaintiffs:

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15 Dunwoody, Georgia 30338

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17 On behalf of the Defendants:

18 DEAN R. FUCHS, ESQUIRE

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22 Atlanta, Georgia 30303

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Page 3

1 APPEARANCES OF COUNSEL (CONT.):

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3 On behalf of the Defendants:

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9

10 HERBERT P. SCHLANGER, ESQUIRE

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14 Atlanta, Georgia 30303

15

16 Also Present:

17 Carmen Popovitch

18

19

20 - - -

21 (Whereupon, disclosure as required by
22 the Georgia Board of Court Reporting was
23 made by the court reporter, a written copy
24 of which is attached hereto.)

25

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1 INDEX OF EXHIBITS

2 (No exhibits marked.)

3

4

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6 INDEX OF EXAMINATION

PAGE

7 By Mr. Herrington

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1 HAROLD L. HUNT,

2 being first duly sworn, was examined as follows:

3 THE WITNESS: I do.

4 MR. HERRINGTON: We waive and reserve
5 objections?

6 MR. FUCHS: Yes.

7 EXAMINATION

8 BY MR. HERRINGTON:

9 Q Would you please state your name for the
10 record.

11 A Harold L. Hunt.

12 Q Do you go by Harry?

13 A Yes.

14 Q And your date of birth?

15 A 3/7/54.

16 Q All right.

17 MR. FUCHS: I'm sorry, did you put on the
18 record that --

19 MR. HERRINGTON: This is a --

20 MR. FUCHS: -- this is the Rule 30(b)
21 deposition of 1715 Northside Drive and that
22 Mr. Hunt is the 30(b)(6) witness?

23 MR. HERRINGTON: That's correct.

24 MR. FUCHS: Thank you.

25 BY MR. HERRINGTON:

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1 Q And where did you attend high school?

2 A Burrillville High.

3 Q Where is that?

4 A Burrillville, Rhode Island.

5 Q When did you graduate?

6 A 1972.

7 Q College?

8 A No, sir.

9 Q Do you have any certifications or
10 licenses?

11 A No, sir.

12 Q What is your position at Diamond Club?

13 A Manager.

14 Q And how long have you been there?

15 A Six years.

16 Q Since 2008?

17 A 2007.

18 Q Okay.

19 A End of 2007.

20 Q What are your responsibilities at Diamond
21 Club?

22 A To -- it's kind of a broad question.

23 Q It can be as thorough as you like.

24 A See to the day-to-day routine of the
25 club.

Page 7

1 Q Do you order food and alcohol?

2 A No, sir.

3 Q Who is responsible for that?

4 A I don't know.

5 Q You don't know who places alcohol orders
6 or food orders from vendors?

7 A I imagine the cook does the food order.

8 Q Do bartenders order alcohol?

9 A I get the order ready and then --

10 Q Someone else places it?

11 A -- submit it. Yeah, sometimes I order
12 it.

13 Q Do you supervise dancers at the club?

14 A Yes, sir.

15 Q Do you supervise bartenders?

16 A Yes, sir.

17 Q Do you supervise waitresses?

18 A Yes, sir.

19 Q Do you supervise DJs?

20 A Yes, sir.

21 Q In supervising these different types of
22 individuals at Diamond Club, do you set schedules
23 for any of them?

24 A No, I don't do any scheduling myself.

25 Q Are bartenders on a set schedule

1 typically?

2 A Typically they are.

3 Q And who sets those schedules?

4 A Done in the office.

5 Q By whom?

6 A By Ms. Carmen.

7 Q Prior to December 2013, who was
8 scheduling bartenders?

9 A Sometimes it would be me, sometimes
10 Ms. Carmen.

11 Q And you're referring to Carmen Popovitch?

12 A Presently.

13 Q Okay.

14 A For the present, yes.

15 Q And who, prior to the sale of the club
16 and after the sale of the club, who has been
17 responsible for scheduling waitresses?

18 A Didn't we just answer that?

19 Q I was speaking about bartenders.

20 A Give me that question again, please.

21 Q Prior to the sale and after the sale, if
22 it's different people, who was responsible for
23 scheduling waitresses?

24 A Before the sale it would have been Karen.

25 Q And after?

Page 9

1 A Ms. Carmen.

2 Q And the same question for the scheduling
3 of DJs?

4 A We only have one on day shift only, so
5 there's just one.

6 Q There's only one?

7 A There's only one on day shift and I don't
8 know about night shift --

9 Q Okay.

10 A -- now.

11 Q Who scheduled --

12 A Before -- I mean, they just kind of
13 worked it out.

14 Q How many DJs were on -- different DJs are
15 there for night shifts?

16 A Are we talking before?

17 Q Right now how many are there?

18 A Two, I guess.

19 Q And prior to the sale?

20 A We had three.

21 Q Do you or Carmen know which DJs are going
22 to be working on a specific shift prior to the time
23 they arrive?

24 A Yes.

25 Q Are you in any way an owner of Diamond

Page 10

1 Club?

2 A No, sir.

3 Q Are you paid a salary?

4 A Yes, I am.

5 Q And not an hourly wage?

6 A No, not an hourly wage.

7 Q Are bartenders at Diamond Club currently
8 paid an hourly wage?

9 A To my knowledge, yes.

10 Q Are waitresses at Diamond Club now
11 currently paid an hourly wage?

12 A Yes.

13 Q And has that been the case since the sale
14 of the company?

15 A Uh-huh.

16 Q Waitresses have been paid an hourly wage?

17 A As far as I know.

18 Q So has anything about the compensation of
19 waitresses or bartenders changed since the sale?

20 A Not to my knowledge.

21 MR. FUCHS: Object to the form.

22 MR. MAGNUS: Harry, was your answer no?

23 A No, not to my knowledge.

24 BY MR. HERRINGTON:

25 Q Are waitresses required to attend

Page 11

1 mandatory meetings at Diamond Club ever?

2 A On occasion.

3 Q How often is on occasion?

4 A Once every couple of months.

5 Q Have there been more meetings than normal
6 in the past several months?

7 A No.

8 Q Since the sale there were not a large
9 number of waitress meetings?

10 A No.

11 Q Do you know if when waitresses attend
12 meetings, are they compensated for that time?

13 A I don't know the answer to that, but I
14 would say, no, not to my knowledge.

15 Q If waitresses do not attend meetings are
16 they fined?

17 A No.

18 Q If they miss multiple meetings are they
19 fired or no longer --

20 A No.

21 Q But their work at Diamond Club would not
22 be discontinued if they did not attend meetings?

23 MR. FUCHS: I'm going to object because I
24 didn't understand the question.

25 A No.

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1 MR. HERRINGTON: Okay.

2 MR. FUCHS: It's got like a triple
3 negative, I think.

4 BY MR. HERRINGTON:

5 Q Do waitresses at Diamond Club currently
6 have to wear a uniform of any kind?

7 A I really can't answer that because it's
8 not something that I would tell them to do.

9 Q Do waitresses at Diamond Club currently
10 wear similar clothing?

11 A Yes.

12 Q Can you describe in what way the clothing
13 is similar?

14 A Well, it's black top -- black top, black
15 bottoms. They got together and chose what they
16 want to wear.

17 Q And now that the decision has been made
18 about the uniform can they wear something different
19 if they want?

20 A Sure.

21 Q Do waitresses ever wear something other
22 than the black top and black bottom --

23 A Yes.

24 Q -- to work?

25 A Yes.

Page 13

1 Q How often does that happen?

2 A I don't know. It's not something that

3 I --

4 Q Does it happen regularly that --

5 A -- would consider a problem.

6 MR. FUCHS: You guys haven't alleged some
7 sort of misclassification issue with respect to
8 waitresses, have you?

9 MR. COLLINS: I don't believe so.

10 BY MR. HERRINGTON:

11 Q Are you aware of any rules that are
12 enforced on dancers in the club by Diamond Club?

13 A Yes.

14 Q Are you aware of any list of rules in the
15 club that is posted for the dancers to see?

16 A Yes.

17 Q Where is that?

18 A It used to be in the dressing room.

19 Q And where is it now?

20 A Not posted.

21 Q When was it taken down?

22 A With the new ownership.

23 Q Since the new owners have taken over, are
24 there any rules in place?

25 A No.

Page 14

1 Q Are new dancers not given a list of rules
2 when they're hired? Are they given a list of rules
3 when their hired?

4 A No.

5 Q Or shown a list?

6 A No.

7 Q Are Diamond Club dancers required to wear
8 garters?

9 A Not required, suggested.

10 Q Are they required to wear high heels?

11 A Not required, suggested.

12 Q Are Diamond Club dancers required to have
13 makeup on while they work?

14 A No.

15 Q Is it suggested?

16 A No.

17 Q Do any dancers come to work without
18 makeup?

19 A Sure.

20 Q Does that happen often?

21 MR. FUCHS: If you know you should
22 answer. If you don't know tell him you don't know.

23 A I don't know.

24 BY MR. HERRINGTON:

25 Q Do you or Carmen ever make comments to

Page 15

1 dancers about their appearance and if it's
2 satisfactory or unsatisfactory?

3 A No.

4 Q Do you ever make comments to dancers
5 about their weight and whether they weigh too much
6 or too little?

7 A No.

8 Q Have you in the past before the new
9 ownership made comments to dancers about their
10 weight?

11 A No.

12 Q And in the past before the new ownership,
13 have you made comments to dancers about their
14 makeup, hair, nails, and whether it's satisfactory
15 or unsatisfactory?

16 MR. FUCHS: Objection to the form.

17 You can answer.

18 A No.

19 BY MR. HERRINGTON:

20 Q Does Diamond Club now or in the past
21 require dancers to wear a wrap or some extra
22 clothing other than a thong or bikini when not on
23 stage?

24 A No.

25 Q Or when not dancing?

Page 16

1 A No.

2 Q Does it encourage them to wear additional
3 clothing when they're not dancing?

4 A No.

5 Q Are Diamond Club dancers permitted to
6 date other people who work at Diamond Club?

7 A It's not recommended.

8 Q And how do you communicate that
9 recommendation?

10 A Verbally.

11 Q Can you give me an example of what you
12 would say to a dancer who is known to be dating
13 someone else at Diamond Club?

14 MR. FUCHS: Objection to form.

15 You can answer, if you've ever
16 communicated it.

17 A It really isn't something I've had to do
18 really.

19 BY MR. HERRINGTON:

20 Q Does Diamond Club place any restrictions
21 on the drinks that dancers can drink while at
22 Diamond Club?

23 A No.

24 Q Does Diamond Club require that dancers
25 dance on stage on rotation?

Page 17

1 A Not required.

2 Q How frequently do dancers decline to be
3 placed on rotation?

4 A Varies.

5 Q Can you be more specific?

6 A No.

7 Q In the past three months, can you
8 estimate how many dancers have said they do not
9 want to be on rotation dancing on stage?

10 A No.

11 Q Does Diamond Club require dancers to
12 attend mandatory meetings?

13 A Yes.

14 Q How often do these meetings occur?

15 A Maybe every three months.

16 Q Was that the case prior to the new
17 ownership?

18 MR. FUCHS: Object to form.

19 You're asking him if they attended
20 mandatory meetings?

21 BY MR. HERRINGTON:

22 Q Prior to the new ownership?

23 A Several.

24 Q Excuse me?

25 A Several.

Page 18

1 Q So prior to the new ownership dancers
2 were required to attend several meetings?

3 A Yes.

4 Q Does Diamond Club require dancers to pass
5 a Breathalyzer test before leaving?

6 A Yes.

7 Q And has that been the case prior to the
8 new ownership?

9 A Prior to the new ownership, yes.

10 Q And are dancers charged for those
11 Breathalyzer tests?

12 A No.

13 Q Was that the case prior to the new
14 ownership?

15 A Yes.

16 Q They have never been required to pay for
17 Breathalyzer tests?

18 A Never. While I've been there -- I can
19 only speak for the time I've been there.

20 Q Does Diamond Club require that dancers
21 work a minimum of three days per week?

22 A No.

23 Q Does it have any minimum number of shifts
24 that a dancer has to work?

25 A No.

Page 19

1 Q And can a dancer continue working at
2 Diamond Club even if she works less than three days
3 per week?

4 A Yes.

5 Q Even if she works less than two days per
6 week?

7 A Yes.

8 Q Since the new ownership started at
9 Diamond Club, has anyone been terminated for
10 working less than three shifts per week?

11 MR. FUCHS: You talking about dancers
12 now?

13 MR. HERRINGTON: Excuse me?

14 MR. FUCHS: You talking about dancers?

15 MR. HERRINGTON: I apologize.

16 BY MR. HERRINGTON:

17 Q Have any dancers been fired or terminated
18 or let go for not working enough?

19 A No.

20 Q Does Diamond Club ever request that
21 dancers wear special outfits or costumes?

22 A No.

23 Q Are dancers permitted to use the customer
24 rest room?

25 A Yes.

Page 20

1 Q Are there set times for shifts at Diamond
2 Club for dancers?

3 MR. FUCHS: Objection to form.

4 If you understood it you should answer
5 it.

6 BY MR. HERRINGTON:

7 Q I'll rephrase.

8 Is there a day shift for dancers at
9 Diamond Club?

10 A Yes.

11 Q And does it begin at a specific time?

12 A We open at noon.

13 Q Is that when the shift begins?

14 A Yes.

15 Q Is there a night shift at Diamond Club?

16 A Yes.

17 Q And what time does that begin, and I'm
18 speaking about dancers?

19 A 7:00.

20 Q And when does the night shift end?

21 A 2:30 in the morning.

22 Q Is there a mid shift at Diamond Club?

23 A Yes.

24 Q And what time does that begin?

25 A Usually whenever they get there. Dancers

Page 21

1 don't set time.

2 Q Do dancers pay a house fee for every
3 shift they work?

4 A Yes.

5 Q Does that fee increase depending on the
6 time that they arrive?

7 A Yes.

8 Q If a dancer arrives at 2:00, is that the
9 day shift or the mid shift?

10 A Be day shift.

11 Q If they arrive at 3:00, is that the day
12 shift or the mid shift?

13 A Mid shift I guess, I'd say.

14 Q How would that determination be made?

15 A I don't understand that question.

16 Q Who would make the determination whether
17 that was the beginning of the mid shift or late in
18 the day shift?

19 A It's just -- it's not written in stone.

20 I mean, they just come in as they please.

21 Q There would be a difference in the amount
22 of the fee they pay depending on whether they came
23 late to a day shift or on time for a mid shift,
24 would there not?

25 A Yes.

Page 22

1 Q Who would determine whether they were
2 late for a day shift or on time for a mid shift?

3 A It's not so much that they're late, it's
4 just the time they come in. They understand what
5 time they come in is what they pay.

6 Q What amount does a dancer pay to come in
7 at noon?

8 A \$10.

9 Q And what does a dancer pay to come in at
10 one?

11 A 20.

12 Q And what does a dancer pay to come in at
13 three?

14 A 35.

15 Q And if a dancer comes in at four?

16 A \$40.

17 Q And five?

18 A \$40.

19 Q And six?

20 A \$40.

21 Q And seven?

22 A \$40.

23 Q Would that fee increase later in the
24 evening?

25 A Yes.

Page 23

1 Q What would the fee be at 7 p.m.?

2 A I'm not exactly sure.

3 Q Well, who would make that decision?

4 A Night shift manager.

5 Q Have you ever been a night shift manager?

6 A Yes.

7 Q And when you were a night shift manager,
8 what would you have charged someone to -- a dancer
9 to start working at seven?

10 A \$20.

11 Q And eight?

12 A 30.

13 Q And nine?

14 A Would have been 40.

15 Q Is there a time after which you would not
16 allow a dancer to begin dancing?

17 A No.

18 Q How much would a dancer pay to start at
19 10 p.m.?

20 A I don't know.

21 MR. MAGNUS: Time frame? Is that now
22 or -- because --

23 A Yeah, see, you're confusing me because
24 we're --

25 MR. FUCHS: Yeah, sorry, it would be

Page 24

1 helpful if --

2 A It was different before this.

3 BY MR. HERRINGTON:

4 Q We're talking about now.

5 MR. MAGNUS: Matt, especially on that
6 issue, because he doesn't -- he already said two
7 minutes ago he doesn't know what the night shift
8 does now and you asked him --

9 BY MR. HERRINGTON:

10 Q When was last time you were a night shift
11 manager?

12 A Probably would be January or February.

13 Q So this was after the new ownership?

14 A Yeah, for a short time I was still on
15 night shift.

16 Q Well, would your decisions about the fees
17 that are applied have been different in January
18 than say in November of 2013?

19 A No.

20 Q How much would someone prior to the new
21 ownership or after pay -- a dancer pay to start
22 working at 10 p.m.?

23 A Prior it would have been 40.

24 Q And after?

25 A I don't know.

Page 25

1 Q In January you were a night shift
2 manager?

3 A It would have been less.

4 Q It would have been less?

5 A Because we just reopened. A transfer,
6 you know, so...

7 Q So that you were charging somewhat less?

8 A Yes.

9 Q After the new ownership took over?

10 A To get it started, yes.

11 Q Was that because business was slow when
12 it started --

13 A Yes.

14 Q -- with the new ownership?

15 A Yes.

16 Q Would those fees increase later when
17 business is better?

18 A I don't know about --

19 Q Have they increased?

20 A Yes.

21 Q And is that because more customers have
22 started coming?

23 A Yes.

24 Q And is it because the dancers don't have
25 to be controlled as much?